

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of 2009 Iowa Acts, Senate File 376, section 13(5) "b," the Iowa Department of Economic Development hereby gives Notice of Intended Action to adopt new Chapter 410, "Board Structure and Procedures," Chapter 411, "Iowa Broadband Deployment Program," and Chapter 412, "Fair Information Practices, Waiver and Variance, and Petition for Rule Making," Iowa Administrative Code.

These rules are intended to implement 2009 Iowa Acts, Senate File 376, section 13(5). The rules establish the structure and procedures for new Part XIII, the Iowa Broadband Deployment Governance Board (BDGB), specify board duties, and establish eligibility requirements and application and evaluation procedures for the Iowa Broadband Deployment Program.

The BDGB is interested in receiving comments about all of the rules, but particularly feedback about one of the rating factors (promote universal access) that is part of the "project purpose" evaluation criteria located in paragraph 411.7(2)"a." The goal of the Iowa Broadband Deployment Program is to promote universal access to high-speed broadband services for speeds to exceed federal requirements throughout the state. The proposed rules include a rating factor to measure the degree to which a proposed project plans to serve an unserved or underserved area. Comments are encouraged about how to design the scoring to determine if a proposed project is promoting universal access.

During the development of the proposed rules, the BDGB considered a number of measurement methods for this rating factor. The application scoring sheet to implement these rules uses the following scoring method for assessing the promotion of universal access:

Promote Universal Access (8 points maximum). If a project proposes to serve an unserved area, percentage of households in proposed service area (as defined by census block) to be served. If project proposes to improve service to an underserved area, percentage of households in proposed service area (as defined by census block) that will have improved service. Points awarded on sliding scale starting with 1 point for 85%, 2 points for 87.5%, 3 points for 90%, 4 points for 92.5%, 5 points for 95%, 6 points for 97.5% and 8 points for 100%.

The BDGB would like input on this factor and the rating system, specifically how the service area would be defined. The service area could be defined as an area that the applicant defines ("percent of households in the proposed service area to be served"). Or it could be defined as the "percentage of households in the census block." Or, perhaps, it could be defined as the "percentage of households in the census tract." The BDGB would like to determine how this factor can reflect the different ways of identifying a service area depending on what technology is used to provide the broadband service and how the rating factor may be used to demonstrate the way in which the project will expand service to unserved areas or improve service in underserved areas.

On September 11, 2009, the Iowa Broadband Deployment Governance Board approved and recommended to the Iowa Economic Development Board the adoption of these new rules.

Public comments concerning the proposed rules will be accepted until 4:30 p.m. on October 27, 2009. Interested persons may submit written or oral comments by contacting Melanie Johnson, General Counsel, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309; telephone (515)725-3018; E-mail Melanie.Johnson@iowalifechanging.com.

A public hearing to receive comments about the proposed rules will be held on October 27, 2009, from 2 to 4 p.m. at the above address in the ICN Conference Room.

These rules were also Adopted and Filed Emergency and are published herein as **ARC 8218B**. The content of that submission is incorporated by reference.

These rules are intended to implement 2009 Iowa Acts, Senate File 376, section 13(5).